

**Jury Committee**  
**Judicial Conference of Indiana**

October 23, 2009  
Minutes

1. Attendance. The following Committee members were present: Amy Barbar (via telephone), Christopher Burnham, Thomas Cannon, Maria Granger (via telephone), Clay Kellerman (via telephone) Louis Rosenberg (via telephone) and Fran Gull, Chair.
2. Staff present. Michelle C. Goodman and Tom Carusillo provided the Committee with staff assistance.
3. Approval of minutes. The Committee approved the July 2009 minutes.
4. Report from Board of Directors meeting. The Board of Directors unanimously approved the proposed amendment to Jury Rule 6 regarding the statutory exemptions. This proposal will be sent to the Supreme Court for further action.
5. Proposed rule amendments. The Committee reviewed the draft rule proposals for Jury Rules 4 and 26. The Committee requested that the proposed subsection (b) for Rule 26 be put into the rule on preliminary instructions and the remainder be contained in Rule 26. The Committee requested that the provision in Rule 26 be modified to acknowledge local court policies that already prohibit such devices in the courthouse. The Committee requested staff to prepare the revisions and draft commentary to explain the proposal for review and approval at the next meeting.
6. Jury Pool/JMS Update. The Committee was informed that the master list was released in mid-September and that staff plans to follow-up with counties that have not accessed their lists to see if they need assistance. The Committee was also reminded that the Jury Pool Reports were being sent out and were due by November 30<sup>th</sup>. The Committee wanted to know what feedback counties would have now with the list (i.e. error rates, duplicates, etc.) to gauge where improvements may need to be explored. The Committee requested staff develop a survey for counties to gain their feedback and statistics. The Committee also received a report that 42 counties using the JMS system and a few more will be receiving training this fall.
7. Jury Management Issues. The Committee was presented with information regarding the impact of jury service and eligibility for unemployment benefit under the current statutes. The Committee discussed the issue and the concerns over the impact this has on jury service. The Committee agreed to allow the Chair and staff to meet with Workforce Development to discuss this further. The Committee also requested staff to prepare proposed legislation to provide that jury service would not impact such benefits. The Committee also requested that the Chair send a message to judges to alert them to the potential issue. The Committee also received a reminder that the juror mileage rate is not at \$0.40/mileage. The Committee was also reminded that staff continues to receive questions regarding Jury Rule 10 issues. The Committee also reviewed a question

regarding whether a person who was incarcerated for a misdemeanor should be addressed under the Jury Rules. The Committee agreed that it would qualify for a deferral since the disqualification rule references felony conviction only.

8. Jury Management Benchbook. The Committee received an overview of the progress to date and decided to continue to develop outlines for the content for sections not yet drafted. The Committee requested the list of topics be distributed so additional members can volunteer to assist with a topic. During the meeting, Judge Kellerman, Judge Granger, and Judge Rosenberg volunteered to work on trial management, deliberations, and selection respectively. The Committee also added the topic of post trial to the list. The Committee will begin to review these materials next year.
9. Other business. The Committee informed that the Federal courts were interested in receiving our jury master list and staff would be working with them on the necessary agreements.

10. Scheduled Meetings for 2010.

Friday, December 4<sup>th</sup> at noon (via conference call) (to review rule and legislative proposals )

Friday, February 5<sup>th</sup> at noon (begin reviewing benchbook sections; plan to finish late afternoon)

Friday, May 21<sup>st</sup> at noon

Friday, July 16<sup>th</sup> at noon

Friday, October 8<sup>th</sup> at noon

Note: All meetings will be held at the Indiana Judicial Center and meeting times are listed as Indianapolis time.

Respectfully submitted,

Michelle C. Goodman  
Staff Attorney